

RUST CONSTRUCTORS, INC.**SUBCONTRACT # 37602-SUB-003, Modification No. 5****Client/Prime Contract/Task Order****RUST Numbers:**

Client: U.S. Army Corp of Engineers Omaha District
 Prime contract #: W9128F20D0008/Task Order #:
 W9128F20F0155
 Prime contract (task order) pricing: Cost Plus

Project #: 37602
 Vendor #:
 FCAP Reference #:

Subcontractor:**Issued By:**

Hendrickson Transportation, LLC
 Address: 2762 310th Street
 City, State, ZIP: Hamburg, IA 51640-5069
 Attn: Darin Henrickson, President
 Phone: 712-382-1505
 E-Mail: darinh@hendricksonent.com

Rust Constructors, Inc.
 7601 Technology Way, Ste 100
 Denver, CO 80237
 Attn: Lisa Venhuizen
 Phone: 720-798-1847
 E-Mail: lisa.venhuizen@shimmick.com

Period of Performance:**Price****Payment Terms:**

From: June 19, 2020
 To: April 30, 2021;

Not to Exceed **\$71,074.627.91**

Article 6

Refer to page 2 for description of this Modification No. 5**TABLE OF CONTENTS**

This agreement ("Subcontract" or "Agreement") between the parties, when referenced herein shall be deemed to include the documents referenced in the Table of Contents below:

Signature Form (this page)

Subcontract Agreement
 Appendix A – Special Provisions
 Appendix B – Supplemental Prime Contract Terms and Conditions
 Appendix C – Statement/Scope of Work
 Appendix D – Pricing/Fee Schedule of Values
 Appendix E – Waivers and Releases
 Appendix F – AECOM Subconsultant Anti-Bribery Corruption Compliance
 Appendix G - Project Controls Requirements
 Appendix H – Pay Application
 Appendix I – Davis Bacon Wage Determination

This subcontract/order is certified for national defense use and you are required to follow all provisions of the Defense Priorities and Allocation System (15 CFR 700). This subcontract is rated as Not Rates.

The effective date of this Subcontract is the date of the last signature below.

By signing this agreement, Supplier hereby certifies that the small business size category(ies) indicated on the provided

☐ P2[DCS]-003-FM7, 8 or 9 ☒ SAM.gov Reps & Certs dated Nov. 13, 2019 ☐ P2[DCS]-003-FM6 dated June 04, 2020 are current, accurate, and complete as of the time of this award.

By signing this agreement (in cases where the subcontract value is greater than \$35,000 and is not considered a commercial item), the subcontractor certifies that neither the subcontractor nor its principals is/are debarred, suspended, or proposed for debarment by the Federal Government as of the date of the subcontractor's execution of this Agreement.

The parties acknowledge that there has been an opportunity to negotiate the terms and conditions of this Subcontract and agree to be bound accordingly.

HENDRICKSON TRANSPORTATION, LLC.**RUST CONSTRUCTORS, INC.**

Tuesday Wray 6/21/2021
 Signature Date

Signature Date

Tuesday Wray
 Printed Name

JJ Johnson
 Printed Name

Chief Operating Officer
 Printed Title

Project Manager
 Printed Title

Subcontract 37602-SUB-003

Modification No. 5

June 7, 2021

This Modification No. 5 to Subcontract 37602-SUB-003 effective June 7, 2021 is issued to amend the scope as follows:

This amendment addresses the increased quantities of cohesionless fill required to address the seepage berm material shortages. This includes additional efforts for grading, management of dredging effluent discharges, monitoring, and maintaining containment berms.

This amendment also addresses necessary expansion of borrow sites resulting from unforeseen conditions and quantity variations found on site. In addition, and as a result of borrow site expansions, this amendment also addresses required reclamation and restoration of the expanded borrow areas.

Finally, this amendment addresses increased haul road development, grading, and maintenance required to access expanded borrow areas and stockpiles. This includes the J Ave. extension, Atchison/Holt Road (between ditch 5 and 7) and grading of the "Z" road.

Additional work necessary to complete construction: \$11,384,574.00

All other terms and conditions of the original subcontract through Modification No. 4 remain unchanged.

Contract with previous amendments: \$59,690,053.91

This Modification 5: \$11,384,574.00

New NTE Total: \$71,074,627.91
